

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD., Plaintiff,	)	
v.	)	C.A. No. 21-1015 (GBW)
SAREPTA THERAPEUTICS, INC., Defendant.	)	<b>DEMAND FOR JURY TRIAL</b>
SAREPTA THERAPEUTICS, INC. and THE UNIVERSITY OF WESTERN AUSTRALIA, Defendant/Counter-Plaintiffs,	)	
v.	)	
NIPPON SHINYAKU CO., LTD. and NS PHARMA, INC., Plaintiff/Counter Defendants.	)	

**[PROPOSED] ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2024 it is hereby ordered that:

1. Plaintiff/Counter-Defendants’ Nippon Shinyaku Co., Ltd.’s and NS Pharma, Inc.’s *Daubert* Motion to Exclude Testimony and Opinions of Steven F. Dowdy, Ph.D. is GRANTED;

2. Dr. Dowdy’s opinions related to Sarepta’s invalidity challenge of NS’s Patents regarding written description and enablement that apply a new claim construction for the term “antisense oligonucleotide” are hereby excluded.

3. Dr. Dowdy’s opinions related to inequitable conduct regarding materiality and intent are hereby excluded.

4. Dr. Dowdy’s opinions related to Sarepta’s invalidity challenge of NS’s Patents regarding the Patent Trials and Appeals Board’s preliminary decisions in the improperly filed *inter partes* reviews are hereby excluded.

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Honorable Gregory B. Williams